

place when and where the highway commission will consider the question of condemning the land. If the landowner be a minor or insane, such notice shall be given to him or his guardian, or if there be no guardian, the person with whom he is living. If the landowner be a non-resident or cannot be found within the county, such notice shall be mailed to his last known address and published in a newspaper of Davidson County at least twenty days before the hearing. If the highway commission shall find the proposed improvement advantageous to public travel and shall decide to condemn the land necessary for the road, they shall so declare and enter the order of condemnation in their minutes. Upon the question of condemnation, the findings and order of the board shall not be subject to review. No strip of land wider than forty feet, with such additional width as may be necessary for cuts and fills, shall be acquired by condemnation. Upon making the order of condemnation, the highway commission shall have authority, through its agents, to immediately take possession of the land described in the order and construct the road. If the landowner, after the road has been relocated or otherwise changed, or after the new road has been opened, shall consider himself damaged, and shall be unable to agree with the highway commission as to the amount of damages, he shall, within sixty days after opening, relocating, or otherwise changing the road, apply to the clerk of the Superior Court for an assessment of damages. Five days notice of such application shall be given to the highway commission. The clerk shall appoint and cause to be summoned by the sheriff a jury of three disinterested freeholders to assess the damages, and shall at the time of appointing the jury fix the time and place of their meeting. If for any cause the jurors shall fail to so meet, they shall meet at such other time and place as may be fixed by them, after giving forty-eight hours notice thereof to the highway commission and to the landowner or his attorney. The jurors, being duly sworn by some officer qualified to administer an oath, shall, in considering the question of damages, take into consideration the benefits to the landowner, and shall render a verdict for such amount, if any, as the damage may exceed the benefits, and shall report their findings and verdict to the clerk, and the clerk shall render judgment accordingly and shall tax the landowner with the cost of assessment, if the damages assessed shall not exceed the amount offered by the highway commission. Either the highway commission or the landowner may appeal to the Superior Court within ten days from the filing of the report. If the landowner appeals, the clerk shall require him to give bond or make a deposit in a sum not exceeding one hundred dollars to secure such costs as may be re-

Notice to persons under disability.

Notice to non-residents.

Order of condemnation.

Order not subject to review.

Limit of land condemned.

Immediate action authorized.

Assessment of damages.

Notice to highway commission.  
Jury of review.

Benefits considered.

Costs of assessment.

Right of appeal.

Bond on appeal.

Costs on appeal.